

Siskiyou County Planning Commission
Regular Meeting
February 21, 2024

The Siskiyou County Planning Commission meeting of February 21, 2024, was called to order by Chair Fowle at approximately 9:00 a.m. in the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Hart, Veale and Fowle

Absent: Commissioners Lindler and Melo

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Bernadette Cizin, Associate Planner; Dan Wessell, Deputy Director of Environmental Health; William Carroll, Assistant County Counsel

Minutes: It was moved by Commissioner Veale, seconded by Commissioner Hart, to approve the Minutes from the January 17, 2024, Planning Commission meeting.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Unscheduled Appearances: None

Conflict of Interest Declaration: None

Presentation of Documents, Availability of Public Records, and Public Hearing

Protocol: The Chair asked those members of the public attending the meeting to review these items on the Agenda.

Rights of Appeal Statement: The Chair directed those present to review the Right of Appeal Statement contained in the Agenda.

Changes to the Agenda: None

Old Business:

Agenda Item 1: Golden Eagle Charter School Use Permit (UP-23-08) / Addendum to Certified Mitigated Negative Declaration

The proposed project will rescind the existing use permit (UP-96-03) and create a new use permit (UP-23-08). The existing use permit includes allowance of an existing school in conjunction with existing church facilities. The current permitted occupancy is 60 students and staff. The new use permit (UP-23-08) will forgo church operations but will increase the permitted occupancy to 225 students and 35 staff. The existing school is approximately 8,150 square feet and the existing modular classroom is approximately 1,920 square feet. An additional modular classroom is proposed as part of this proposal, totaling 960 square feet, and an additional school building is proposed as part of this proposal, totaling 28,300 square feet. The project site is located at 1030 W A Barr Road in Mount Shasta (APN: 036-230-361).

There is an adopted Mitigated Negative Declaration (MND) (State Clearinghouse No. 1996052035 and State Clearinghouse No. 1996104248) for the previously approved project, and staff has prepared an Addendum to the MND pursuant to CEQA Guidelines Section 15164 because the proposed project changes only include minor technical changes. The Planning Commission will consider the proposed project and the proposed Addendum at the public hearing. If substantial evidence has been presented demonstrating a more appropriate environmental determination than the one that has been recommended, the Planning Commission may require and/or approve an alternative environmental determination pursuant to the requirements of the California Environmental Quality Act.

**Addendum to Certified Mitigated Negative Declaration
Use Permit**

**Adopted
Approved**

Before taking Staff's report, Chair Fowle informed members of the public who were present at the meeting that the public hearing portion of the project was closed during the January 17, 2024, meeting. He said that the project was continued to the February meeting because the Commission directed staff and the project proponents to address specific issues regarding the site map, ingress/egress routes, signage and warning lights on the road, and CAL FIRE 4290/4291 standards. Therefore, comments received today are required to be narrowly focused on the staff report being presented.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Lang.

Ms. Lang provided a presentation regarding the site plan. Ms. Lang said staff met with the project applicants, Siskiyou County Public Works, and Bryan Schenone of the Siskiyou County Office of Emergency Services to discuss the types of modifications that would be satisfactory to the Commission relating to ingress/egress. The existing ingress and egress was widened so it would allow for the two-way ingress/egress should there be an emergency.

Perimeter security fencing was added that surrounds the property and is shown on the new site map.

Staff consulted with Public Works regarding installing a 25 mph sign near the school which was added as a Condition of Approval. Ms. Lang said staff consulted with Tom Deany from Public Works regarding lighting or flashing lights during the school session. Mr. Deany felt that since the school is so close to the existing intersection and traffic, the lighting would potentially confuse more people so it is not warranted at this time and he didn't feel it would be satisfactory to install those types of measures.

Ms. Lang told the Commission that the project site currently meets CAL FIRE's 4290/4291 requirements, and any proposed modifications will continue to meet those requirements which are formalized in the standardized Condition of Approval related to CAL FIRE compliance.

Ms. Lang said a Condition of Approval was added regarding the hours during which work can be done on the project.

Regarding the Condition of Approval requiring that the project proponents work with Siskiyou County OES on an evacuation plan, those plans will be submitted, reviewed, and approved by OES prior to

permit issuance.

Ms. Lang said there was a discrepancy in the square footage of the new school building. It initially read 23,800 square feet, but it is actually 28,300 square feet and she said staff has emails documenting the 23,800 square foot number was a typographical error. Ms. Lang said the error doesn't change the result from the technical studies.

Ms. Lang told the Commissioners that staff received a number of public comments, one of which was from the bed and breakfast next to the school. Paul Bollard of Bollard Acoustical Consultants submitted a response which was included with the supplemental staff report.

She said Mr. Bollard and with Loren Chilson who did the traffic study were present at today's meeting. A representative from Enplan who conducted the biostudy was present on Zoom. Finally, Executive Director Shelly Blakely and Project Manager Nick Trover, both on behalf of Golden Eagle Charter School, were also present on behalf of Golden Eagle Charter School at the meeting.

Commission Questions:

Commissioner Veale asked whether the driveways are one way in and one way out. Mr. Trover said the width is 20 feet, and Ms. Lang said they are one way in and one way out during an emergency. Mr. Trover said they looked at other routes to the north or to the south and back around. County staff, CAL FIRE, etc., agreed that this was probably the best option to alleviate any concerns about emergency access. Regarding the fencing, Mr. Trover said they identified the fencing location just to show how they are keeping kids in the site.

Commissioner Fowle asked about the fencing line on the revised site map and why it disappeared on the southern end about halfway across the parcel. He wanted to know if it would continue to the west and then head north to eliminate potential trespass to the southwest parcel. Mr. Trover said they would typically try to have a fully enclosed school area, but it was difficult because of all the trees. Ms. Blakely added that the neighbors to the south of the school were concerned since it's open between the field and their house so that was why they put the fence there.

Discussion was held regarding the potential different uses allowed by right for the property as it is currently zoned, which would be liquor stores, convenience stores, gas stations, auto body shops, laundromats, and businesses open 24/7. Mr. Trover said the planned use is for the school so no studies were conducted to identify any other uses. Commissioner Hart said he wanted the public to know that if this project was turned down, the entity that owns the property could sell it and a new owner could utilize the property for another allowed use. He added that as long as the standards are met through the CEQA process, the Commission cannot say no to a project even if they disagree with it.

Discussion was held with Assistant County Counsel William Carroll regarding late comments on issues that were not part of the Commission's direction to staff to address. Discussion was also held regarding noise and whether the Commission should consider the study done by the noise consultant hired by GECS or the letter from Dale LaForest since the Commission was unable to discern whether or not what Mr. LaForest was saying is correct. The Commission offered Mr. Bollard the opportunity to rebut Mr. LaForest's late comment letter.

Mr. Bollard told the Commission about his years of education, training, experience, and qualifications, and that he has to maintain his certifications as well as his equipment. He said he didn't know what

Mr. LaForest's qualifications were and whether he had any degrees, but Mr. LaForest has not been a practicing acoustical consultant. Mr. Bollard said it was his understanding that Mr. LaForest was reprimanded in Oregon for trying to practice as a noise consultant. Mr. Bollard said Mr. LaForest allegedly joined the Institute of Noise Control Engineers, which a person can do without taking any exams, but there is no record of him being a member of that organization.

Mr. Bollard told the Commission there was no new information in Mr. LaForest's letter that would cause him to reconsider his findings of noise impacts or to add additional mitigation measures for this project.

Commissioner Hart commented that it appears that Mr. LaForest does not have the qualifications that Mr. Bollard has, nor is it known what kind of equipment he uses, if any. Commissioner Hart said he could not see a fair argument being made by Mr. LaForest.

At this point, Chair Fowle opened public comment allowing for comment specifically regarding the site map, ingress/egress routes, signage and warning lights on the road, and CAL FIRE 4290/4291 standards.

Public Comments in Support:

Mr. David Theno of Dunsmuir spoke in support of the project. He is the program manager for the current GECS high school on Mt. Shasta Boulevard. He said the ingress/egress plan and the safety and security measures being provided are a vast improvement over what his students currently enjoy.

Mr. Loren Chilson, Headway Transportation, Reno, prepared the traffic study and was available to answer questions. He said he worked with staff to address the driveway design and they discussed flashing lights and school zones which are now reflected in the Conditions of Approval.

Public Comments Opposed:

Mrs. Kris O'Shaughnessy of Mount Shasta, spoke in opposition to the project. Mrs. O'Shaughnessy said she thought the speed limit on Ream Avenue and W A Barr Road should be set to 25 mph since not all parents would be able to drop off and pick up their kids. Some of the kids walk or ride bicycles and skateboards on Ream Avenue and W A Barr Road which don't have sidewalks, and she thinks it's a hazard. She hoped something would be done to facilitate pedestrian traffic.

There being no further comments, the Chair closed the Public Hearing

Commission Discussion:

Discussion was held that a county maintained road has the final say on traffic patterns and ingress/egress.

Discussion was held regarding the fact that there were no comments from the city of Mount Shasta regarding vehicle and pedestrian traffic. Also discussed was the will serve letter from the Lake Siskiyou Mutual Water Company connection, and if the board were to change, then the will serve letter may change.

Agency Input:

Discussion was held regarding the type and placement of signage. Mr. Thomas Deany, Siskiyou County Public Works Department, said the plan was to place a 25 mph "when children are present

sign” on Ream Avenue on both sides of ingress and egress because that is the MUTCD (Manual Uniform Traffic Control Devices) standard. He cautioned against placing signage on W A Barr Road because that will not be where the influx of cars and children will be. Traffic would have to make a turn off onto Ream Avenue first so there would be a drop in speed when people are making that hard turn in there. Mr. Deany said W A Barr is a high traffic area, and it is likely counterintuitive to add more signs or flashing lights there because it distracts the drivers. Therefore, he recommended two signs on Ream Avenue and that is what Public Works will install.

Discussion was held regarding the distance from the entrance of the school where the signs would be placed.

Through the Chair, Ms. Lang said staff can modify Condition of Approval 15 to read that 25 mph signs will be installed to the satisfaction of Public Works.

Chair Fowle said his questions of staff and the project proponent have been addressed.

Discussion was held regarding the Brown Act procedure staff follows when notifying the public of a project being presented to the Planning Commission as well as where the Notice of Public Hearing is posted.

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Hart, to Adopt Resolution 2023-019, with the amended language to Condition of Approval 15 regarding 25 mph signs, of the Planning Commission of the County of Siskiyou, State of California, Approving the Golden Eagle Charter School Use Permit (UP-23-08) and CEQA Addendum #1 to the Mitigated Negative Declaration (MND) for the Evangelical Free Church of Mount Shasta (State Clearinghouse No. 1996052035 and State Clearinghouse No. 1996104248).

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

New Business:

Agenda Item 1: Madden Use Permit (UP-23-08) / Categorically Exempt

The project is a proposed conditional use permit to allow a short-term vacation rental use within an existing single-family dwelling. The project is located at 1234 Uplands Way, east of the city of Mt. Shasta, APN 037-380-160, Township 40N, Range 4W, Section 22, Latitude 41.3014°, Longitude - 122.2928°.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Cizin.

Ms. Cizin told the Commission that the project proponent proposed to convert an existing single family dwelling into a vacation rental. The property is located east of the city of Mount Shasta and within its sphere of influence. The two-story dwelling is approximately 3,167 square feet and is located on a 2.65-acre parcel zoned for rural residential uses. The project is consistent with the General Plan and zoning for the area. The Building Division and Environmental Health inspected the

property. The four required parking spaces are located in the garage, the paved driveway, and a parking pad. Three bedrooms are proposed as sleeping quarters, and up to 23 guests could be accommodated based on the square footage of the rooms. However, the septic system capacity limits guests to six persons. Ms. Cizin said the project is exempt from CEQA as it is an existing facility.

Ms. Cizin said one comment in opposition was received after the staff report was prepared and a copy has been provided to the Commission.

Agency Input: None

The Chair opened the Public Hearing.

Public Comments: None

There being no comments, the Chair closed the Public Hearing

Commission Questions/Discussion:

Chair Fowle asked if CAL FIRE visited the site, and Ms. Cizin said an inspection was done on May 12, 2023, and they did not note any violations pertaining to 4291.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale, to Adopt Resolution PC 2024-005, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Madden Use Permit (UP-23-10) and determining the Project Exempt from CEQA.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Agenda Item 2: Weed Berean Church Use Permit Modification (UP-11-02-2M) / Addendum to Certified Mitigated Negative Declaration

The project is a proposed modification of an existing conditional land use permit. The existing permit allows for the place of worship to be a maximum of 15,625 square feet. This project proposes an addition to the existing building that would bring the total square footage to 19,949 square feet. The addition would include a worship room, three offices, a foyer, and mechanical and storage space. Additional parking spaces are also proposed that would bring the total number of permitted parking spaces from 120 to 150. The current permitted occupancy is 334 persons and is not proposed to change as part of this project. The project site is located at the existing Weed Berean Church, 2515 Highway 97, north of the city of Weed; APN: 020-400-200; T42N, R5W, S36; 41.4460°N, -122.3702°W.

There is an adopted Mitigated Negative Declaration (MND) (SCH No. 2008082014) for the previously approved project, which remains relevant in considering the environmental impacts of the proposed project changes as the project site's current environmental setting is similar to what is described in the adopted MND, and the currently proposed project consists only of minor changes or additions. Staff has prepared an Addendum to the MND pursuant to CEQA Guidelines Section 15164 because the proposed project changes only include minor technical changes. The Planning Commission will consider the proposed project and the proposed Addendum at the public hearing. If substantial evidence has been presented demonstrating a more appropriate environmental determination than the one that has been recommended, the Planning Commission may require and/or approve an

alternative environmental determination pursuant to the requirements of the California Environmental Quality Act.

**Addendum to Certified Mitigated Negative Declaration
Use Permit**

**Adopted
Approved**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Jereb.

Ms. Jereb told the Commission that the project proposes to modify the existing use permit for a church which is north of city of Weed. If approved, the proposed modification would increase the permitted square footage from 15,625 square feet to 19,949 square feet and would increase the number of permitted parking from 120 to 150. Ms. Jereb said the approved occupancy of 334 persons is not proposed to be increased as part of this project. She told the Commission that the project site is located on an existing 15-acre parcel that is zoned for non-prime agricultural, and churches are conditionally permitted in that zoning district.

Ms. Jereb said the church was originally permitted by the Planning Commission in 2008 under UP-08-01 and as part of that project, a Mitigated Negative Declaration (MND) was approved. Due to project delays the use permit approval expired without being issued. Then the project was reapproved by the Planning Commission in 2011 as UP-11-02 and utilized same MND. A time extension was granted in 2013, and then the church was subsequently developed. Ms. Jereb said the church is now requesting a modification to the existing use permit to facilitate the construction of the addition and an increase in the parking spaces.

Ms. Jereb said the project is consistent with the General Plan land use element. Upon approval of the use permit modification, the project will be consistent with zoning district. As there is already an approved MND, staff recommends that an addendum to the MND be approved. She said that an addendum is appropriate as the changes to the project are minor in nature and none of the conditions described in Section 15162 of the CEQA guidelines have occurred.

Ms. Jereb said no public comments have been received and staff recommends approving the CEQA Addendum #1 to the MND and approving the use permit modification for this project.

Agency Input: None

The Chair opened the Public Hearing.

Public Comments:

Mr. Trevor Eastlick, the project surveyor, spoke in favor of the project and thanked the Planning Commission for looking at the project.

There being no further comments, the Chair closed the Public Hearing

Commission Discussion:

Discussion was held regarding why parking is included since it was already approved. Ms. Jereb said the original use permit had a specified number of parking spaces and because additional square footage was being addressed as part of the modification, the additional parking spaces were included

as well. She said staff was just making it clear what was approved and what is changing.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale, to Adopt Resolution 2023-018 of the Planning Commission of the County of Siskiyou, State of California, Approving the Weed Berean Church Use Permit Modification (UP-11-02-2M) and CEQA Addendum No. 1 to the Mitigated Negative Declaration for Use Permit UP-08-01 (Weed Berean Church).

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Chair Fowle called for a break at 10:09 a.m.

The meeting resumed at 10:14 a.m.

Items for Discussion/Direction:

1. Staff Update Regarding State Water Resources Control Board Emergency Regulations

This agenda item is to provide an update regarding State Water Board regulatory updates pertaining to Siskiyou County as well as discussing the impacts to these regulatory updates.

Staff Report:

Mr. Dean told the Commission that the E-Regs have been put into place. The flow records have surpassed the standards. He was unable to attend the last meeting, but there was discussion at the previous meeting about the Klamath River and the influence of sediment from the McKinney fire and how it is affecting the river. They did not talk about the dam release that bumped up the flow sediment to 10,000 mg per liter.

Mr. Dean said the Board of Supervisors and the County Administration Office directed Environmental Health to take samples from the river which was done around the beginning of February. He said heavy metals were elevated quite a bit for aluminum, arsenic, iron, and lead. He said they are trying to get the data from the Water Board regarding sediment samples downstream to the dam prior to removal.

Commissioner Hart wanted to know what water sampling was being done on the Shasta River, especially the Big Springs area. Mr. Dean said along with communications with Commissioner Hart, they have six other wells targeted for sampling for pesticide use and the grows. Commissioner Hart said he wanted to make sure the data collection on inhouse wells, irrigation wells, and downslope doesn't come back to the agricultural community for polluting the water. Mr. Dean said there are some chemicals that overlap between ag and the growers, and the conversation has been that it would be better to focus the sampling on domestic wells near grow sites—shallower, lower producing wells that may be affected first. If there are hits there, they are basically upstream but the ag wells would be a better indication if there is any separation.

Discussion was held regarding the Klamath River and the dam removal and resulting sediment. The fish are trying to migrate but are dying. The Coho were still running on the Scott River before the first dam was destroyed but that has stopped.

Discussion was held regarding heavy metals. Six locations were sampled from Klamath River to Happy Camp. The numbers were cut in half at Horse Creek Bridge.

Discussion was held that some house wells are going dry around the lake. Mr. Dean said it would probably be litigated if the Klamath River Renewal Corporation (KRRRC) does not step up and do what they have been directed to do.

2. Ongoing Staff Update Regarding the General Plan Update

This is an ongoing agenda item pertaining to the Siskiyou County 2050 General Plan Update. Staff will be providing an update on the project schedule, deliverables, and any other updates relating to this project.

Staff Report:

Ms. Lang said staff is going through the administrative draft chapters. She said the administrative draft mostly consists of the existing conditions report, and staff is set to meet with the TAC around the end of March or early April for their review of those chapters before it's released for public review. She said the consultants sent her a six-month schedule regarding what is to occur, but she hasn't had a chance to review it yet. Essentially the next six months will be gearing up to finalize the existing conditions report, posting it and also schedule community workshops. Ms. Lang will provide more information as those efforts develop.

Commission Questions/Discussion:

Discussion was held regarding when the first reading will be presented to the Planning Commission, and Ms. Lang said it is anticipated a joint meeting with the Board of Supervisors and the Planning Commission will be held in July. She said the public review draft is projected to be done sometime around the end of April or early May. The existing conditions discussion would be held during the joint meeting. Chair Fowle said he wanted the Planning Commission Clerk to take the minutes for the Planning Commission during the joint meeting.

Discussion was held regarding when the first public hearing would be held and that the meeting would need to be held in a facility large enough to accommodate the anticipated large attendance. Discussion was held regarding whether or not health care would be included and that the adopted housing element with all the unfunded mandated items would have to be accounted for. Discussion was held regarding the low income apartments and who is paying for them.

After conclusion of the discussion regarding the General Plan update, Mr. Dean told the Commission that Governor Newsom came out with his salmon restoration plan which is a pathway to remove all the dams.

Miscellaneous:

1. Future Meetings: The next regular meeting of the Planning Commission is scheduled for Wednesday, March 20, 2024, at 9:00 a.m. Chair Fowle said he would be absent for the March meeting. Commissioner Hart said he might be gone but he would check.

2. Correspondence: None

3. Staff Comments:

Ms. Lang told the Commission that James Phelps has joined the Planning Division as a Senior Planner.

Mr. Dean told the Commission that there had been a fire in the Community Development Department building that damaged approximately 50,000 building records and compromised all the planning documents. The fire was caused by someone who went through town setting fires on Super Bowl Sunday. He broke the window to the basement where the archived records are stored and started a fire.

Ms. Lang told the Commission that the Board of Supervisors scheduled a personnel hearing on the same date as the June 19, 2024, Planning Commission meeting, and the options were to cancel the meeting altogether, hold the meeting on June 19 at a different location, or schedule it on another date. The Commissioners present said they would be available on June 26, 2024, and the Clerk said she would check with Commissioners Lindler and Melo regarding their availability on that date.

4. Commission Comments: None

Adjournment: The meeting was concluded at approximately 10:40 a.m.

Respectfully submitted,

Signature on file

Hailey Lang, Secretary

vjr